

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

RICHARD KELLY	§	PLAINTIFF
	§	
v.	§	Civil Action No. 1:05CV398LG-RHW
	§	
CITY OF MOSS POINT, ET AL.	§	DEFENDANTS

ORDER DISMISSING COMPLAINT WITHOUT PREJUDICE

BEFORE THE COURT is Plaintiff's Complaint filed August 12, 2005. After consideration of Plaintiff's Complaint, the pleadings on file and the relevant legal authority, it is the opinion of the Court that Plaintiff's Complaint should be dismissed pursuant to FED. R. Civ. P. 4(m).

Plaintiff filed the instant complaint on August 12, 2005. The case was assigned to the pending track by the Clerk of Court. Summons were never issued. On July 11, 2006, some eleven months later, the Court entered an order directing Plaintiff to "show good cause why he has failed to timely effectuate service of process." Plaintiff failed to respond to this order. The Court has once more reviewed the pleadings on file and finds that Plaintiff's Complaint should be dismissed without prejudice. Accordingly,

IT IS ORDERED AND ADJUDGED that Plaintiff's Complaint is **DISMISSED** without prejudice pursuant to FED. R. CIV. P. 4(m).

SO ORDERED AND ADJUDGED this the 26th day of July, 2006.

s/ Louis Guirola, Jr.

LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE